

## **REMARKS**

Careful consideration has been given to the Official Action of April 6, 2004 and in particular to the restriction requirement therein.

The Examiner has found three inventions in the application, namely, Group I directed to claims 42-69; Group II directed to claim 70 and Group III directed to claims 71-75, and has called for restriction therebetween.

The restriction requirement is respectfully traversed. The claims of Group I, claims 42-69, are drawn to an apparatus for treating tissue or organs with a voltage generator to control the pulses produced. Claim 70 (Group II) is drawn to an apparatus for treating tissue or organs with a constant electric field within the restricted region. Claim 70 is an attribute of the apparatus set forth in claim 42 and requires that the registration and conversion device compare the impedance measurements from the impedance measuring unit to control the high voltage generator such that the high voltage pulses to be delivered to the plurality of the electrodes produce a constant electric field within the restricted region. This is not separate and distinct from the apparatus set forth in Group I but represents a separate and additive feature thereof. As such, it is respectfully submitted that it does not constitute a separate invention. In any event, claim 76 has been added to the application and is dependent from claim 42 and is similar in scope to claim 70 as regards the operation of the registration and

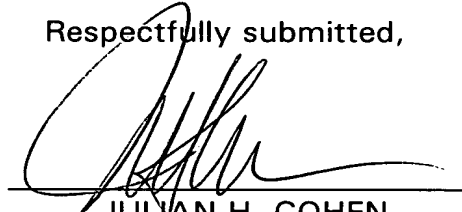
conversion device. Accordingly, claim 76 constitutes a linking claim between the "invention" of claim 70 and that of claim 42. Claim 76 is therefore entitled to examination along with the claims of Group I and upon its allowance, will justify allowance of claim 70.

With respect to claims 71-75, these claims are directed to a method for implementation in an apparatus for treating tissue or organs such as the apparatus of claim 42. According claims 71-75 are dependent upon the claims of Group I and require examination therewith. Claims 77-81 have been added to the application and are method claims dependent from claim 42 (similar in this regard to claims 66-68 which have been included in Group I) and therefore, are deemed to be examinable with the other claims of Group I. Claims 77-81 therefore are linking claims between the apparatus of Group I and the method for implementation thereof and are properly examinable in Group I.

Therefore, the restriction requirement set forth by the Examiner is respectfully traversed.

In order to comply with 35 U.S.C. § 121, applicant elects Group I for examination inclusive of claims 42-69 and 76-81. For the reasons which have been given hereinabove examination of the claims to Groups II and III are also warranted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Julian H. Cohen', is written over a horizontal line.

JULIAN H. COHEN  
C/O LADAS & PARRY  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, N.Y. 10023  
REG. NO. 20302 - 212-708-1887